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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,662	12/08/2003	Brent L. Davis	BOC9-2003-0065 (436)	4822
40987	7590	11/16/2009		
Novak Druce + Quigg LLP CityPlace Tower, 525 Okeechobee Blvd. Fifteenth-Floor WEST PALM BEACH, FL 33401			EXAMINER SKED, MATTHEW J	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 11/16/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/730,662	<b>Applicant(s)</b> DAVIS ET AL.	
	<b>Examiner</b> MATTHEW J. SKED	<b>Art Unit</b> 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 7, 13 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 7, 13 and 19-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Response to Amendment***

1. The rejection of claims 1 and 13 under 35 USC 101 is withdrawn in view of Applicant's amendments.
2. Applicant's arguments with respect to claims 1, 7 and 13 have been considered but are moot in view of the new ground(s) of rejection, necessitated by amendment.
3. Claims 19-21 have been newly added.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goyal et al. (U.S. Pat Pub. 2003/0189603A1) in view of Knott et al. (U.S. Pat. 7,246,062).

Goyal teaches a method, system and machine-readable storage with a stored computer program for efficiently presenting correction options comprising:

receiving at least one information input (receives input data, [0025]);

processing the at least one information input and determining a confidence score for the at least one information input by a speech recognition device (recognizes the input data and generates a score, [0026] and [0029]);

assigning a high, medium or low confidence level to the at least one information input based on the confidence score (uses the score to determine one of three confidence levels (high, medium or low), [0031]);

if the confidence level is medium or high placing the at least one information input in batch data (all results are displayed together, [0032]); and

performing a batch confirmation step after all information inputs have been received and assigned a confidence level (batch data is presented to be confirmed, [0032 and [0050])).

Goyal does not teach if the confidence level is low, performing an immediate confirmation step.

Knott teaches a voice recognition system that determines high, medium or low confidence levels for the recognized speech and if the confidence level is low, the system immediately prompts the user to re-state the utterance (col. 2, line 53 to col. 3, line 12 and col. 3, lines 36-59).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Goyal so that if the confidence level is low, performing an immediate confirmation step as taught by Knott because a low confidence level means it is more likely the result will need user correction, therefore presenting this information immediately will facilitate the user's use of the system.

6. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goyal) in view of Knott and taken in further view of Chanod et al. (U.S. Pat. 6,393,389).

Goyal teaches presenting the batch data to be confirmed ([0032]); and prompting a user to select a new information input (user is prompted with a drop-down menu, [0050]).

Goyal and Knott do not teach prompting a user to select an information input to be changed; sorting items in the batch data in ascending order by the assigned confidence level if the user selects an information input to be changed; and creating a menu of items using the order from the sorting step.

Chanod teaches an information processing system that displays its results in an order based upon the confidence value when the user selects to sort the results (col. 4, lines 1-7).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Goyal and Knott to prompt a user to select an information input to be changed; sort items in the batch data in ascending order by the assigned confidence level if the user selects an information input to be changed; and create a menu of items using the order from the sorting step as taught by Chanod because it would present the recognition results in an ordered manner when preferred by the user hence making the system more user-friendly.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW J. SKED whose telephone number is (571)272-7627. The examiner can normally be reached on Mon-Fri (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew J Sked/  
Primary Examiner, Art Unit 2626